IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY EIGHTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

-

WRIT PETITION NO : 5455 of 1994

Between:

Jillella Venkata Subramanya Krishnaji Bhano, S/o Venkata Bhanoji Remars,
Pervuru, East Godavari District.

..... PETITIONER

AND

1 The Land Reforms Tribunal,
Kakinada. (Addl. Revenue Officer)
2 The Mandal Revenue Officer,
Inavilli, Amalapuram (tq)
East Godavari District.
3 J.V.Jagannadha Ramars , S/o Venkata Bhanoji Ramars,
No. 9-7-8, Mohammad Ali Street,
Gandhinagar, Kakinada-4
4 J.V.G.R. Bhano,
5 J.V. Bhanovi Rasmou,
Penunu- 533218, E.G.District.

(Case against R5 is dismissed for default as per Court order dated 3.8.2004)

6 J.V. Sanjeeva Ramars,
Flot No. 201, Prabhatkar Apartments, Vijayanagar Colony,

Hyderabad-500 457
7 J.V. Srinivasa Ramars,
Sarpanch, Pewu, Amalapuram Mandal- 533218
(Respondents 4 to 7are impleaded as per court order dt.

21.10.1994 in WPMP 22959/94)

..RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any appropriate Writ or direction especially in the nature of a Writ of Mandamus directing the respondents 1 and 2 not to dispossess the petitioner without disposing off the objections dt. 10.2.1992, in L.C.C.No. 1073/APM/75 in respect of Sy.No's 136/1,136/2,136/3 and Sy.No.100 of Vilasa Village and pass

Counsel for the Petitioner: MR.C.SUBBA RAO

Counsel for the Respondent Nos 1 &2.: GP FOR REVENUE

Counsel for Respondents 3,4, 6 & 7: NP

The Court made the following

Oral Order:

The petitioner invokes the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India with a prayer to issue a writ of Mandamus directing respondents 1 and 2 herein not to dispossess the petitioner without disposing of the objections dated 10.2.1992 filed in LCC No.1073/APM/75 in respect of S.Nos.136/1, 136/2, 136/3 and S.No.100 of Vilasa village.

The petitioner filed LCC No.930/APM/75 under the provisions of the Andhra Pradesh Land Reforms (Ceiling on Agricultural Holdings) Act, 1973. It is stated that his other brothers also filed declarations giving the details of the lands held by them. One of the brother viz., Jillela Venkata Jagannadha Ramars was found to be excess land holder and he proposed surrender of certain lands including those in respect of which he was holding an undivided 1/6th share without obtaining the consent of other sharers as is required under Section 10(4) of the Act. The lands proposed to be surrendered by him include 1/6th undivided share in S.NoS.136/1, 136/2, 136/3 and 100 of vilasa village. That a notice in Form-viii as is required under the Rules was published calling for objections from the interested persons in January, 1992 to which the petitioner is stated to have submitted his objections on 10.2.1992. The gravamen of the complaint is that without considering and disposing of the objections preferred by the petitioner and without there being any order passed by the Land Reforms Tribunal, efforts were being made to accept the surrender and dispossess the petitioner from the lands in question.

No counter affidavit has been filed denying the allegation that the 2nd respondent came to the land in S.No.136/1,2,3 and S.No.100 and started taking measurements for the purpose of taking possession of the land on the ground that the same has been surrendered by Jillela Venkata Jagannadha Ramars. In the absence of any counter affidavit, the allegation made by the petitioner remains unrebutted.

The first respondent is duty bound to make enquiry and dispose of the objections filed by the petitioner pursuant to Form 8 notice and without disposing of those objections the surrender stated to have been made by the 3rd respondent cannot be accepted and the petitioner cannot be dispossessed from the lands in question.

In the circumstances, the writ petition is disposed of directing the 1st respondent to dispose of the objections stated to have been preferred by the petitioner within a period of eight weeks from the date of receipt of a copy of this order and proceed further in the matter in accordance with law after disposing of the objections. The 1st respondent shall pass a speaking order and communicate the same to the petitioner.

No order as to costs.

28..10..2004

msv.

To

1 The Land Reforms Tribunal,
Kakinada. (Addl. Revenue Officer)
2 The Mandal Revenue Officer,
Inavilli, Amalapuram (tq)
East Godavari District.
3. 2 CCs GP for Revenue, High Court of A.P. Hyd. (OUT)

4. 2CD copies